

### 1.0 Fundamental Principles

As an educational institution, which values academic freedom, the College is committed to promoting and positively encouraging free debate and enquiry. This means that it accommodates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative.

The role of the College in promoting and encouraging free debate and enquiry is reinforced in two pieces of legislation:

1. The 1966 Education Act states that: 'persons concerned in the government of any establishment...shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.'

The College will not, therefore, as far as is reasonably practicable, deny access to its' premises to individuals or bodies on the basis of their beliefs, views or policies.

2. The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief and sexual orientation.

The associated public sector equality duty requires Colleges in the exercise of their functions to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

### 2.0 Code of Practice

- 2.1 This Code of Practice applies to all staff, students, governors and visitors invited to speak at or take part in meetings, events or other activities.

**The College expects students, staff, governors and visitors invited to speak at or take part in meetings, events or other activities to ensure that freedom of speech within the law is assured**

- 2.2 There is no legal prohibition on offending others. Nevertheless, the College believes that discussion that is open and honest can only take place if offensive or provocative action and language is avoided.  
**Students, staff, governors and visitors invited to speak at or take part in meetings, events or other activities at the College are therefore required to demonstrate respect for the College's Vision, Mission and Values, and sensitivity to the diversity of the College community.**
- 2.3 A meeting, event or other activity which is likely to give rise to, or creates an environment in which, people will experience fear, harassment, intimidation, verbal abuse, violence or lack of respect, particularly because of their age, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief and sexual orientation (protected characteristics), is likely to be unlawful.



- 2.4 If students, staff and/or Governors believe that a meeting, event or other activity, such as an invite to a guest speaker, poses a risk of the above (2.3), they are required to report the matter in the first instance to the Assistant Principal Safeguarding, Specialist Support and Student Well-Being.
- 2.5 The Assistant Principal Safeguarding, Specialist Support and Student Well-Being, working with the Principal, will decide if the meeting, event or other activity complies with this Code of Practice, and if it can go ahead. No advertising of the meeting, event or other activity is permitted until a decision is reached about the compliance of a meeting, event or other activity with this Code of Practice. The Principal and Assistant Principal Safeguarding, Specialist Support and Student Well-Being may well decide the meeting, event or other activity complies with the Code of Practice, and does not pose any risk as identified in 2.3, but require the organiser to put in place safeguards to promote and positively encourage free debate and enquiry, such as a strong and well informed Chair for the meeting, event or other activity, before it can go ahead. They may also require the organiser to record the meeting, event or other activity, so there is no dispute afterwards about what is said and by whom.
- 2.6 **A named organiser should be identified for all meetings, events or other activities organised on the College's premises, and if the meeting, event or other activity involves a visiting speaker they must follow the procedures for accommodating visiting speakers (attached below, as Appendix 1).**
- 2.7 If the Principal and Assistant Principal Safeguarding Specialist Support and Student Well-Being decide the meeting, event or other activity poses too great a risk to this Code of Practice, especially in relation to 2.3, they will not allow the meeting, event or other activity to take place on the College's premises. The Principal and Assistant Principal Safeguarding Specialist Support and Student Well-Being may well decide to consult with students, staff or other groups or take legal advice before coming to such a decision.

**The Principal's decision will be final and not subject to appeal.**

- 2.8i The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal of a meeting, event or other activity
- 2.8ii Reasonable grounds for refusal would include: incitement to commit a criminal act, unlawful expression of views (Freedom of Expression is limited by laws to protect national security, such as the Counter Terrorism and Security Act 2015), and for public safety, for the prevention of public disorder, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. A speaker from an organisation proscribed by law would therefore not be allowed to speak at the College.
- 2.8iii A significant strand in the regulatory framework is the duty (under the Equality Act 2010) to promote good relations between persons of different racial groups. Infringement of the civil and human rights of others, support for an organisation whose aims are illegal, **the creation of an environment likely to promote violent extremism\***, or one which poses a threat to the health and safety of individuals, or which gives rise to a breach of the peace would also be reasonable grounds for refusal of a meeting, event or other activity.

**\*Please note:** The Counter Terrorism and Security Act 2015 requires the College to have good regard to preventing people being drawn into violent extremism. The College may on occasion need to exercise its' authority under this Act to ensure that meetings, events or other activities, such as those including visiting speakers, do not create an environment likely to draw people into violent extremism, given its' local context. The College is situated in Kirklees, which, alongside other local authorities in West Yorkshire, is a Prevent

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Priority Area, reflecting the fact that at a national level, it is perceived as an area with a higher risk of radicalisation and violent extremism than most other areas in the UK.

- 2.9 If a meeting, event or other activity has been advertised, students and staff may still make representations to the Principal and Assistant Principal Safeguarding, Specialist Support and Student Well-Being, if they feel it breaches this Code of Practice. If the event is allowed to take place, they will be allowed the right of peaceful protest for one hour prior to the meeting, event or other activity taking place. They will not be permitted to interfere with the running of the meeting, event or other activity.
- 2.10 The College encourages debate and political activity. Any individual student or groups of students wanting to organise a meeting, event or other activity at the College must contact the Assistant Principal Safeguarding, Specialist Support and Student Well-Being to ensure that the meeting, event or other activity proposed is feasible logistically, as well as complies with this Code of Practice.  
**Ultimately, it is the Principal’s decision whether to allow such a meeting, event or other activity to take place on College premises.**
- 2.11 College students will be allowed to distribute leaflets or other publicising material (including electronic) in College provided that the material produced is not in breach of the College’s Equal Opportunities Policy, or the College’s IT Acceptable and Safe Usage Policy (which incorporates Social Media and Cyber Bullying). If an individual student or group of students wants to distribute leaflets or other publicising material (including electronic) they must contact the Assistant Principal Safeguarding, Specialist Support and Student Well-Being before doing so, so that a decision can be made as to whether this material complies fully with the College’s Equal Opportunities Policy and IT Acceptable and Safe Usage Policy.
- 2.12 Non-College students or staff would also need to agree any distribution of leaflets or other publicising material (including electronic) with the Assistant Principal Safeguarding, Specialist Support and Student Well-Being. This material must also comply fully with the College’s Equal Opportunities Policy and IT Acceptable and Safe Usage Policy. There may be a charge for this activity
- 2.13 Wilful breach of this Code will be dealt with under the College’s disciplinary procedures and, if necessary, by recourse to law.

### 3.0 Review

- 3.1 This Code shall be reviewed not less than every three years from the date of the Governor Meeting when it was approved.

| V | Date           | Policy Owner    | Comments  | Approval Route and Date   | Provenance                  | Date of Next Review | Equality Impact Assessment Completed (Y/N) |
|---|----------------|-----------------|---|---------------------------|-----------------------------|---------------------|--|
| 1 | December 2015  | Angela Williams | New policy to reflect the College’s statutory obligations | Corporation December 2015 | Good practice in the sector | December 2018       | Y  |
| 2 | September 2018 | Angela Williams | Update  | Corporation November 2018 |                             | December 2021       | Y  |

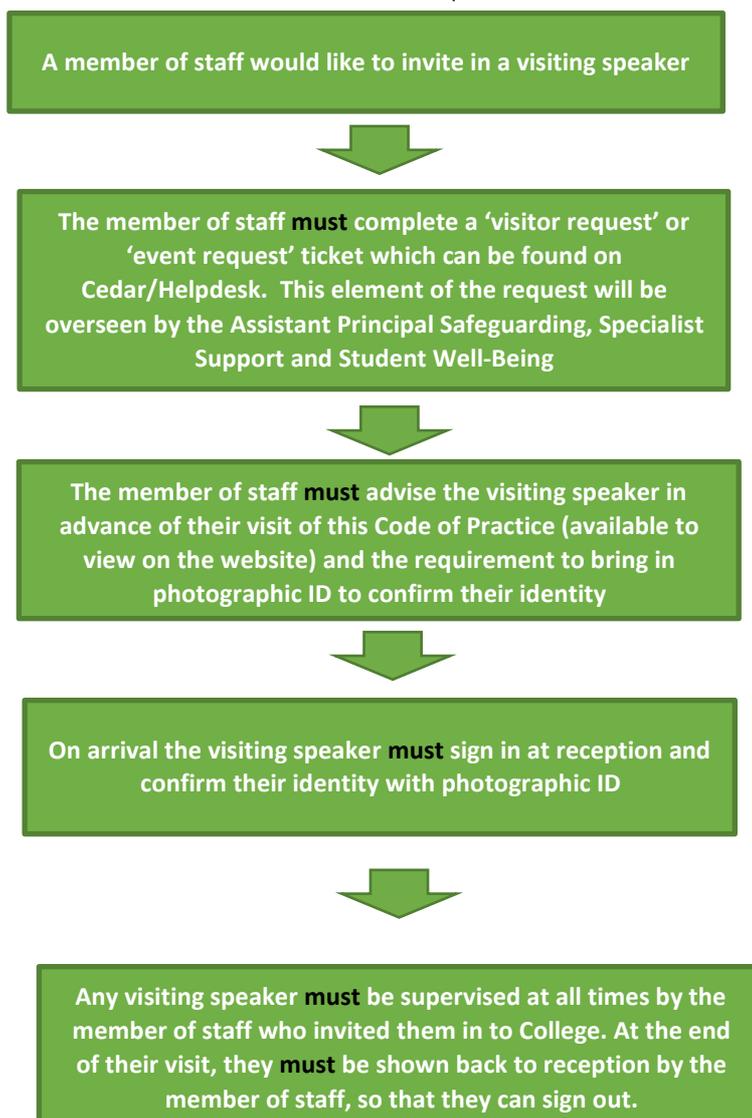


|   |              |  |  |   |  |               |   |
|---|--------------|--|--|---|--|---------------|---|
| 3 | October 2021 | Angela Williams (AWS)<br>Marcus Smith<br>Connor Lee<br>Goddard Kam<br>Rogerson |  | Further amended by AWS following feedback from the Corporation (*Please note addition)<br>Approved by the Corporation:<br>December 2021 |  | December 2024 | Y |
|---|--------------|--|--|---|--|---------------|---|

### Freedom of Speech Code of Practice 2021 - APPENDIX ONE Procedure for Accommodating Visiting Speakers

In line with the College's Safeguarding and PREVENT responsibilities, we must keep a record of all visiting speakers who visit the College in each academic year.

Please see the flow diagram below, which outlines the actions required.



## Equality Impact Assessment

| Question  | Response  |
|---|---|
| 1. Name of policy being assessed  | Freedom of Speech Code of Practice  |
| 2. Summary of aims and objectives of the policy   | To promote and encourage Freedom of Speech (debate and enquiry) at the College within the confines of the Law   |
| 3. What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders) | It was initially drawn up with student, staff and Governor involvement  |
| 4. Who is affected by the policy?   | Everyone who works or studies at the College, or who visits the College   |
| 5. What are the arrangements for monitoring and reviewing the actual impact of the policy?                                  | The Code of Practice is reviewed on a cyclical basis, at least every 3 years by SLT and Governors<br><br>Impact: no matters pertaining to this Code of Practice have been raised since its' inception |

| Protected Characteristic Group | Is there a potential for positive/negative impact? | Please explain and give examples of any evidence/data used      | Action to address negative impact (e.g. adjustment made)   |
|--------------------------------|--|---|--|
| Disability                     | Yes  | The policy is compliant with all legal regulations and guidance | The Code of Practice has as its' intention to address the potential negative impact of Freedom of Speech on those with a Protected Characteristic by ensuring this is within the confines of the Law and, in particular, Equality legislation. |
| Gender reassignment            | Yes  | The policy is compliant with all legal regulations and guidance |  |
| Marriage or civil partnership  | Yes  | The policy is compliant with all legal regulations and guidance |  |
| Pregnancy and maternity        | Yes  | The policy is compliant with all legal regulations and guidance |  |
| Race                           | Yes  | The policy is compliant with all legal regulations and guidance |  |
| Religion or belief             | Yes  | The policy is compliant with all legal regulations and guidance |  |



## Equality Impact Assessment

|                           |     |   |  |
|---------------------------|-----|---|--|
| <b>Sexual orientation</b> | Yes | The policy is compliant with all legal regulations and guidance |  |
| <b>Sex (gender)</b>       | Yes | The policy is compliant with all legal regulations and guidance |  |
| <b>Age</b>                | Yes | The policy is compliant with all legal regulations and guidance |  |

### Evaluation:

| Question  | Explanation / justification  |   |
|---|------------------------------|---|
| Is it possible the proposed policy could discriminate or unfairly disadvantage people?  | No                           |   |
| <b>Final Decision:</b>  | <b>Tick the relevant box</b> | <b>Include any explanation / justification required</b> |
| 1. No barriers identified, therefore Code of Practice will <b>proceed</b> .   | *                            |   |
| 2. You can decide to <b>stop</b> the policy or practice at some point because the data shows bias towards one or more groups  |                              |   |
| 3. You can <b>adapt or change</b> the policy in a way which you think will eliminate this bias  |                              |   |
| 4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or practice knowing that it may favour some people less than others, providing justification for this decision |                              |   |

|                                |          |
|--------------------------------|----------|
| <b>Approval by (SLT Lead):</b> | AWS      |
| <b>Date:</b>                   | 16.12.21 |